

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES REECE,

Plaintiff

v.

L. Ray Whitley, et al.,

Defendants.

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No. 3:11-cv-1122
Chief Judge Haynes

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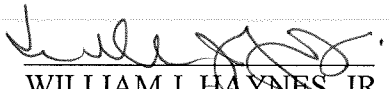
Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 40) recommending that this action be dismissed for Plaintiff's failure to comply with the Court's November 22, 2011 Order to return completed service forms and pursuant to Federal Rule of Civil Procedure 41(b) dismissal for Plaintiff's failure to prosecute. Id. at 3-4. Plaintiff filed his objections (Docket Entry No. 43) that essentially advances his earlier unsuccessful argument in his appeal of the Order dismissing some of the Defendants. The Sixth Circuit dismissed that appeal for lack of jurisdiction. (Docket Entry No. 34). Despite the Court's November 22, 2011 Order (Docket Entry No. 11) and the Report and Recommendation, Plaintiff still has not complied with the Order to produce completed summons and service papers.

After de novo review, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Magistrate Judge's Report and Recommendation. This action is **DISMISSED with prejudice** for Plaintiff's failure to prosecute under Federal Rule of Civil Procedure 41(b). Any appeal of the this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this 21st day of May, 2013.


WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court.